IN THE HIGH COURT OF JUDICATURE AT BILASPUR, C.G.

WRIT PETITION NO. 3570 /2004
(Petition under article 226/ 227 of the Constitution of India)

PETITIONER : Shahid Shekh S/o Shekh Sattar, aged about 48 years, at present working as a Sub Divisional Officer, Office of Executive Engineer, Water Resources Division, Rajnandgaon, C.G. R/o 140 Jawahar Nagar, Durg, C.G.

P.R. No. 3572/04
Presented by Shri Jitendra Gupta
dated 28-4-04

VERSUS

RESPONDENTS : 1) State of Chhattisgarh through the Chief Secretary, Water Resources Department, D.K.S. Bhawan, Raipur, C.G.

2) Engineer in Chief, Water Resources Department, Raipur, C.G.

3) Executive Engineer, Water Resources Department, Rajnandgaon Division, Distt. Rajnandgaon, C.G.

4) Executive Engineer, IInd Water Resources Department, Raipur Division, Distt. Raipur, C.G.

5) D.K. Shrivastava, Assistant Engineer (Rural) in the Office of Executive Engineer IInd Water Resources Division, Distt. Raipur, C.G.

28/9/04

28/9/04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS, ORDERS AND DIRECTONS ETC.

(50)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 3570 of 2004

Petitioner Shahid Shekh

Versus

Respondents State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Vishnu Kostha, Advocate for the petitioner.
Miss Deepali Pandey, Panel Lawyer for the respondents.

ORDER

(Passed on this 26th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Sub Divisional Officer in the Water Resources Department at Rajnandgaon was transferred to Raipur, on the same terms and conditions vide impugned transfer order dated 23.9.2004 (Annexure P/5).
2. This Court vide interim order dated 1.11.2004 directed to allow the petitioner to continue, till the next date of hearing, if not already relieved. By virtue of the interim order the petitioner must have continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur